

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2009-16-T - ORDER NO. 2009-743
OCTOBER 23, 2009

IN RE: Proposed Amendments to Commission) ORDER
Regulations Regarding Charter Buses and) PROMULGATING
Limousines) PROPOSED
) AMENDMENTS TO
) COMMISSION
) REGULATIONS

This matter comes before the Public Service Commission of South Carolina (“Commission”) for consideration of promulgation of various revisions to the transportation regulations of the Commission. In the State Register, the proposed regulations, a Statement of Need and Reasonableness for the regulations, and a Preliminary Fiscal Impact Statement were published. This Commission also published a Notice of Public Hearing, which stated that the Commission had scheduled a hearing for July 8, 2009, at 2:45 p.m. to take place in the Commission’s Hearing Room.

Pursuant to S.C. Code § 1-23-111, a hearing was held on July 8, 2009 at 2:45 p.m. in the Commission’s Hearing Room with the Honorable Elizabeth B. Fleming, Chairman, presiding. All jurisdictional documents were submitted into the record as a Hearing Exhibit, which was admitted into evidence. Jocelyn G. Boyd, Deputy Clerk, outlined the proposed regulations.

Pursuant to evidence presented at the hearing, we hereby issue the written report required under Section 1-23-111 of the South Carolina Code and promulgate the

proposed revisions to Commission Regulations.. The proposed amendments will create uniformity and eliminate ambiguity in the Commission's Regulations governing charter buses and limousines.

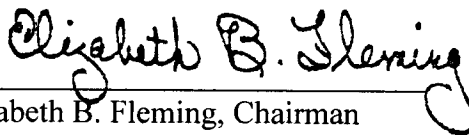
Regulation 103-102(5) will be amended to state that a "charter bus" is a passenger carrier equipped to carry sixteen (16) or more passengers. Regulation 103-102(31) will be added to state that the number of passengers a vehicle is deemed equipped to carry may be calculated using the number of seat belts in the vehicle, or alternatively, may be calculated using the method for determining seating capacity set out in the Federal Transportation Regulations at 49 C.F.R. §387.29. Additionally, Regulation 103-102(31) provides that efforts to circumvent regulation or proper licensing by removing or altering the number of seatbelts in a vehicle and/or otherwise altering the seating configuration will not absolve the carrier from failing to obtain the proper certificate from the Commission. Regulation 103-102(32) will be added to define "passenger" as every person carried or riding in a motor carrier, including the driver.

IT IS THEREFORE ORDERED THAT:

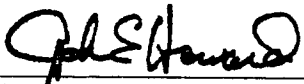
1. The amendments to Regulation 103-102(5) and the addition of Regulations 103-102(31), and 103-102(32) are promulgated as proposed. These changes to the regulations shall be submitted to the General Assembly for review pursuant to State law.

2. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)